

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, a Massachusetts nonprofit  
corporation

Plaintiff,

v.

BEAT THE HOUSE, LLC, a California limited  
liability company

Defendants.

CIVIL ACTION NO. 04 CV 11861 JLT

**WAIVER OF SERVICE OF SUMMONS**

To: Jeffrey L. Clark  
Wood, Phillips, Katz, Clark & Mortimer  
500 Madison Street, Suite 3800  
Chicago, IL 60661-2511

I acknowledge receipt of your request that I waive service of a summons in this action in the U.S. District Court for the District of Massachusetts. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

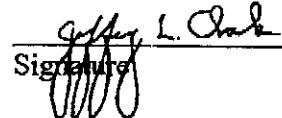
I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Fed. R. Civ. P. 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against Defendant if an answer or motion under Rule 12 is not served within sixty (60) days after December 7, 2004. I also understand that to avail myself of the benefit of Fed. R.

Civ. P. 4(d) I must complete and return this form to plaintiffs' counsel no later than thirty (30) days after December 7, 2004.

Dated: 13<sup>th</sup> day of December, 2004

  
Signature

Printed/typed name:

Jeffrey L. Clark